

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALI MOSHIR,)	CASE NO. 4:17 CV 1491
Plaintiff,)	
v.)	JUDGE BENITA Y. PEARSON
COUNSELOR SAULINE, <i>et al.</i> ,)	
Defendants.)	<u>MEMORANDUM OF OPINION AND</u>
		<u>ORDER</u>

Pro se Plaintiff Ali Moshir filed this civil action in the Western District of New York. He did not pay the filing fee, but filed a motion to proceed *in forma pauperis*. [ECF No. 1](#). The District Court for the Western District of New York transferred the action here as the Plaintiff's Complaint pertains to his confinement in this District, and none of the Defendants (Counselor Sauline, Grievance Coordinator Sergeant Sullivan, NEOCC, Corrections Corporation of America (CCA)/Core Civic, United Marshals Service, Federal Government, State of Ohio, Mahoning County) reside in New York.

Plaintiff, however, may not proceed *in forma pauperis* because he has already accumulated three strikes pursuant to [28 U.S.C. § 1915\(g\)](#),¹ and his complaint does not demonstrate that he is or was at the time he filed his Complaint in imminent danger of serious physical injury. *See* [28 U.S.C. § 1915\(g\)](#) (prohibiting a prisoner who has accumulated three

¹*See* [Moshir v. NEOCC, No. 4:17-CV-1106 \(N.D. Ohio Aug. 31, 2017\) \(Pearson, J.\)](#); [Moshir v. Valentine, No. 4:17-CV-1459 \(N.D. Ohio Aug. 31, 2017\) \(Pearson, J.\)](#); [Moshir v. NEOCC, No. 4:17-CV-1480 \(N.D. Ohio Oct. 13, 2017\) \(Pearson, J.\)](#).

strikes under the statute from bringing any civil action *in forma pauperis* “unless the prisoner is under imminent danger of serious physical injury”).

Accordingly, Plaintiff’s application to proceed *in forma pauperis* in this matter is DENIED, and the action is dismissed without prejudice in accordance with the three-strike rule set out in [28 U.S.C. § 1915\(g\)](#). If Plaintiff wishes to proceed with this case, he must pay the full filing fee of \$400 and a motion to re-open. The Clerk’s Office is directed not to accept any motion to re-open, or any additional documents for filing in this case, unless the full filing fee is paid.

The Court further certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

November 22, 2017
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge